

Defendant has a meritorious defense, and (3) whether Plaintiff will be prejudiced.¹ The Court finds that these factors weigh in favor of finding good cause for setting aside the default against Defendant. First, it is clear that Defendant's culpable conduct led to the default. While Defendant's letter to Plaintiff's attorney is an answer to the Complaint, the Fed. R. Civ. P. 5(a)(1)(B) clearly requires that "a pleading filed after the original complaint" must be served on every party.² Furthermore, Rule 5(d)(1) goes on to state that "any paper after the complaint that is required to be served. . . must be filed within a reasonable time after service." Thus, Defendant's Answer should have been filed with the Court within a reasonable time. To date, Defendant has not filed an Answer or any responsive pleading. The Court finds that Defendant had no reasonable basis to believe that its letter complied with the Federal Rules and so Defendant's conduct was culpable and led to the entry of default in this case.

Despite this first factor weighing against Defendant, the other two factors do favor Defendant. Defendant's letter indicates factual and legal grounds for a meritorious defense to Plaintiff's allegations. Additionally, Plaintiff does not oppose the Motion. It appears then that setting aside the default will not prejudice Plaintiff. The Court concludes that Defendant has established good cause for setting aside the default.

Therefore, Defendant's Motion to Aside the Default is **GRANTED**. Defendant shall have ten (10) days from the entry of this Order in which to file its Answer or other responsive pleading.

¹ *Burrell v. Henderson*, 434 F.3d 826, 831-32 (6th Cir. 2006).

² An Answer to a Complaint is one of the pleadings defined under Fed. R. Civ. P. 7(a).

IT IS SO ORDERED.

S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: